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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Don W Bulson Renner Otto Boisselle & Sklar 1621 Euclid Avenue 19th Floor Cleveland, OH 44115				
EXAMINER				
LAM, VINH TANG				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/563,192

Applicant(s)

STROMBERG, ROLF

Examiner

VINH T. LAM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5 and 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF-08)
Paper No(s)/Mail Date 01/03/2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims **4-9** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species 2, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/25/2008.
2. Applicant also indicates that Claims 1-3 and 5-10 are readable on elected Species 1, however, the Examiner respectfully disagrees because:

Claim 5 recites "joint is situated over one of the strips" shown in Fig. 7.

Claim 7 recites "individual threads being arranged at an angle of at least 20 and at most 70 degrees to the strips" shown in Fig. 9.

Claim 8 recites "a distance D between the individual thread" shown in Fig. 6.

Claim 9 recites "cloth being of the Georgette type of fabric" shown in Fig. 6.

The above claims do not belong to elected Species 1 and, therefore, they are not considered for examination.

Drawings

3. The drawing (Fig. 1) is objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Friction material 1.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims **1-3** are rejected under 35 U.S.C. 102(b) as being anticipated by **Oberg (US Patent No. 5270690)**.

Regarding Claim **1**, **Oberg** teaches a loop means for pointing devices for guiding a cursor on a computer screen or the like in the form of a cylinder (Col. **2**, Ln. **13-14**, FIGs. **1-4**) that can be moved in its axial direction (Col. **2**, Ln. **22-24**, FIGs. **1-4**) and rotate around two supports (Col. **6**, Ln. **31-32**, FIG. **11**) that stretch out the cross-section of the loop to make an oval shape (Col. **3**, Ln. **47-50**, FIG. **11**), including a flexible support material having a number of mutually spaced strips or equivalent means essentially parallel to the longitudinal axis of the loop means for stiffening the loop

means in its axial direction, characterised by friction material (i.e. inherent for sliding the loop with user's fingers) with significantly varying thickness at different places measured from the external surface of the support material and outwards (Col. 6, Ln. 58-68, FIG. 16).

Regarding Claim 2, **Oberg** teaches the loop means according to claim 1, characterised by longitudinal zones between the strips with less than average concentration of friction material (Col. 6, Ln. 58-68, FIG. 16).

Regarding Claim 3, **Oberg** teaches the loop means according to claim 2, characterised by the friction material being arranged essentially in the form of friction strips above the strips (Col. 6, Ln. 58-68, FIG. 16).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Oberg** (US Patent No. 5270690) in view of **Crawford** (US Patent No. RE40324).

Regarding Claim 6, **Oberg** teaches the loop means according to claim 1. However, **Oberg** does not teach that the support material consisting of fabric.

In the same field of endeavor, **Crawford** teaches that the support material consisting of fabric (Col. 3, Ln. 26) for the benefit of improving comfort and flexibility for user by having the loop means comprising flexible support material consisting of fabric and friction material strips.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **Oberg** teaching of loop means comprising flexible support material and friction material strips with **Crawford** teaching of the support material consisting of fabric in order to benefit of improving comfort and flexibility for user by having the loop means comprising flexible support material consisting of fabric and friction material strips.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Oberg** (US Patent No. 5270690) in view of **Hu** (US Patent No. 6586720).

Regarding Claim 10, **Oberg** teaches the loop means according to claim 1.

However, **Oberg** does not teach that the friction material containing small reflecting particles that are separated sufficiently to give rise to individual light points on the detector chip of an optical detector such as a HDNS 2000 or the like.

In the same field of endeavor, **Hu** teaches the friction material containing small reflecting particles that are separated sufficiently to give rise to individual light points (Col. 3, Ln. 12-24, FIGs. 4-5) on the detector chip of an optical detector such as a HDNS 2000 or the like (i.e. obvious Design Choice) for the benefit of improving the accuracy of the pointing device by having loop means comprising flexible support material and friction material strips containing small reflecting particles that are

separated sufficiently to give rise to individual light points on the detector chip of an optical detector.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **Oberg** teaching of loop means comprising flexible support material and friction material strips with **Hu** teaching of the friction material containing small reflecting particles that are separated sufficiently to give rise to individual light points on the detector chip of an optical detector in order to benefit of improving the accuracy of the pointing device by having loop means comprising flexible support material and friction material strips containing small reflecting particles that are separated sufficiently to give rise to individual light points on the detector chip of an optical detector.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rahman (US Patent No. 4928093).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:30-5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272 1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VTL/

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629